

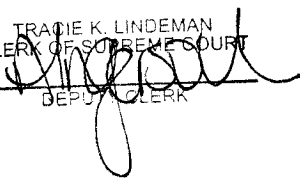
IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON O'CONNOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62798

FILED

NOV 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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ORDER OF AFFIRMANCE

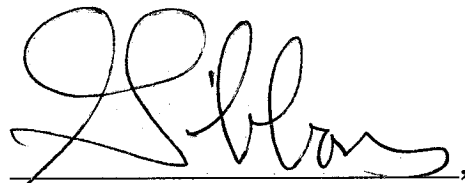
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

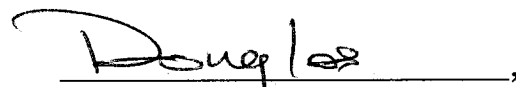
In his April 2, 2012, petition, appellant claimed he received ineffective assistance of counsel. To prove ineffective assistance of counsel sufficient to invalidate a judgment of conviction based on a guilty plea, a petitioner must demonstrate that his counsel's performance was deficient in that it fell below an objective standard of reasonableness, and resulting prejudice such that there is a reasonable probability that, but for counsel's errors, petitioner would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 58-59 (1985); *Kirksey v. State*, 112 Nev. 980, 988, 923 P.2d 1102, 1107 (1996). Both components of the inquiry must be shown. *Strickland v. Washington*, 466 U.S. 668, 697 (1984). We give deference to the court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).


13-34041

Appellant claimed that trial counsel was ineffective for failing to investigate or advise appellant regarding an insanity defense. Appellant failed to demonstrate that his trial counsel's performance was deficient or that he was prejudiced. Appellant failed to allege specific facts that would indicate that he was in a delusional state such that he could not know or understand the nature and capacity of his actions or could not appreciate the wrongfulness of his act. *See Finger v. State*, 117 Nev. 548, 576, 27 P.3d 66, 84-85 (2001). Accordingly, appellant failed to demonstrate a reasonable probability that he would not have pleaded guilty had counsel sought to present or informed appellant regarding an insanity defense. Similarly, to the extent that appellant claimed that trial counsel's failure to investigate or inform him of an insanity defense rendered his plea invalid, appellant failed to demonstrate that his plea was not entered knowingly or intelligently. *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986); *see also Hubbard v. State*, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994). Therefore, the district court did not err in denying these claims, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Kimberly A. Wanker, District Judge
Brandon O'Connor
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk